

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

CHAD STONE,

Plaintiff,

vs.

BURT HURWITZ et al.

Defendants.

CV-23-95-BLG-SPW-TJC

ORDER TO SHOW CAUSE

Plaintiff Chad Stone, a self-represented litigant, filed a Complaint on August 23, 2023, pursuant to 42 U.S.C. § 1983. (Doc. 1.) Stone alleged violations of his constitutional rights by defendants Bert Herwitz, State of Montana, and Park County, Montana, seeking an award of damages. On October 5, 2023, the Court granted Stone's motion to proceed in forma pauperis but concluded that his Complaint failed to satisfy the requirements of 28 U.S.C. § 1915(e)(2). (Doc. 4 at 1, 4.) The Court granted Stone the opportunity to amend his complaint. (*Id.* at 17.)

On November 8, 2023, Stone filed his Amended Complaint. (Doc. 5.) The Amended Complaint named six defendants and sought an award of damages and several forms of injunctive relief. On September 18, 2024, the Court issued an Order concluding that Stone's Amended Complaint again failed to satisfy the requirements of Section 1915(e)(2) but granting Stone the opportunity to file a

second amended complaint to clarify his factual allegations and the specific defendants involved. (Doc. 6.) The Court set a deadline of October 18, 2024, for Stone to file a second amended complaint, and admonished that if Stone failed to timely comply with every provision of the Court's Order, including the deadline to file a second amended complaint, his action would be subject to dismissal. (*Id.* at 33–34.)

Greater than two months have now elapsed since the Court's October 18 deadline. Stone has neither complied with the Court's Order nor otherwise moved for an extension of time to comply.

Accordingly, IT IS ORDERED that Stone shall appear in writing on or before **January 17, 2025**, to show cause, if any, why this case should not be dismissed for failure to comply with the Court's September 18 Order. Failure to respond will result in a Recommendation that this case be dismissed.

DATED this 27th day of December, 2024.



TIMOTHY J. CAVAN
United States Magistrate Judge